

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BERKSHIRE BANK.,

Plaintiff,

v.

AMERICAN RESTORATION & MAINTENANCE
CORP. D/B/A PERFORMANCE INDUSTRIAL,

Defendant.

No. 1:22-cv-365 (MAD/CFH)

STIPULATION OF DISMISSAL

Pursuant to Fed. R Civ. P. 41(a)(1)(ii), the parties in the above-captioned action hereby stipulate that all claims and counterclaims be dismissed with prejudice and without interest and costs, with each party bearing their own attorneys' fees and costs and waiving all rights of appeal.

Dated: December 1, 2022

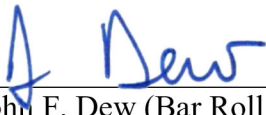
Respectfully Submitted,

BERKSHIRE BANK,
Plaintiff,

AMERICAN RESTORATION &
MAINTENANCE CORP d/b/a
PERFORMANCE INDUSTRIAL,
Defendant,

By its attorneys,

By its attorneys,

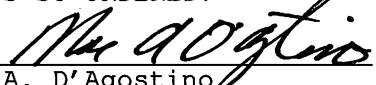


John F. Dew (Bar Roll No. 603035)
David Valicenti (Bar Roll No. 515642)
Cohen Kinne Valicenti & Cook LLP
28 North Street, 3rd Floor
Pittsfield, Massachusetts 01201
Tel: (413) 443-9399
Fax: (413) 442-9399
jdew@cohenkinne.com
dvalicenti@cohenkinne.com



Michael J. Balestra (Bar Roll No. 515523)
James P. Youngs (Bar Roll No. 515029)
Office & PO Address
1800 AXA Tower I
100 Madison Street
Syracuse, New York 13202
Tel: (315) 565-4523
Fax: (315) 565-4623
mbalestra@hancocklaw.com
jyoungs@hancocklaw.com

IT IS SO ORDERED:


Mae A. D'Agostino
U.S. District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that on December 1, 2022, the foregoing document was electronically filed using the Court's CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

/s/ John F. Dew
John F. Dew